way electronic mail, such that when the consumer selects the URL a connection is established between a consumer computer having a first IP address and a web server, wherein the web server receives the URL via said established connection independent from any consumer profile information previously stored on the client computer, wherein the web server parses the URL for the unique identifier, and wherein the IP address is recorded in a log file in association with the unique identifier.

ARGUMENT

Claims 1-56 are pending in the application. By virtue of this amendment, claims 1-4, 22, 45, and 52 are amended to more particularly point out and distinctly claim the Applicant's invention. Claims 53-56 are canceled. No new matter is added. Thus, the claims as amended do not go beyond the scope of the disclosure in the application as filed. Support for the amended claims is provided on pages 1-24 and FIGS. 1-11 of the application.

The pending claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,724,521 ("Dedrick") in view of U.S. Patent 6,292,786 ("Deaton"), in further view of U.S. Patent 5,933,811 ("Angles"), and in further view of U.S. Patent 6,055,573 ("Gardneswartz").

Dedrick discloses a method and apparatus for transmitting customized information (e.g., ads, news articles, etc.) to users based on their particular profiles. Deaton discloses a method of rewarding a shopper at the point-of-sale based on the shopper's past shopping history. Angles discloses a method of delivering customized advertisements to individuals based on profile information previously provided by the individuals during a registration process. Finally, Gardneswartz discloses a method of using "cookies" in order to gather consumer profile information.

The cited prior art references neither individually nor in combination disclose, teach, or suggest the features recited in claims 1-52, as amended. Particularly, cited references fail to disclose a method that allows the identification of a consumer and his activity within one or more websites by way of the consumer selecting a website address forwarded to him in an email, wherein the website address contains an embedded unique identifier. Foremost, neither of the cited references teach or suggest a method by which a consumer can be identified <u>without</u> requiring the consumer to register or provide some kind of personal identifying information in advance. Further, neither of the cited referenced, either individually or in combination teach a

11

method of identifying a consumer that does not require a web server to have authorized access to a client computer for storage and retrieval of such identifying information.

Gardenswartz at column 8, lines 33-41 teaches that a master record containing consumer identifying information is created by way of retrieving information from *cookies*[1] *stored on a consumer computer* and requires consumer advance *online registration* (emphasis added). As provided in the specification and as claimed, the present invention identifies a consumer <u>without</u> requiring consumer registration. Further, the identification is <u>not</u> based on retrieving identifying information (i.e., cookie files) previously stored on the consumer's computer by a server. As such, the cited references and particularly Gardenswartz teach away from the claimed method.

Further, the method of the present invention as claimed recites providing the unique identifier to the server computer by way of sending the website address to the server computer in a "request" submitted by the client computer, independent from any consumer profile information previously stored on the client computer. Gardenswartz teaches the exact opposite. That is, in order to retrieve identifying information from a client computer, a server computer needs to first store cookie files including the identifying information on the client computer, and later submit a "request" to retrieve said identifying information stored on the client computer.

An overhead is associated with both the storing and retrieving processes because both processes require cooperation with and reliance on the cookie handling features of a browser in addition to authorization to access the hard drive of the client computer. In contrast, the method of the present invention, as amended, does not require such reliance on a browser's cookie handling features or access to the client computer's hard drive. Thus the client computer does not have to carry the burden of the overhead associated with performing such operations. Further, the server does not need authorization from the client in order to access the client's hard drive for the identifying information because the identifying information is forwarded to the server as embedded in a request submitted by the client to access one or more websites.

As such, the success of the identifying methods taught by the cited references is fully

---

[1] A cookie is "[d]ata created by a Web server that is <u>stored on a user's computer</u>. It provides a way for the Web site to keep track of a user's patterns and preferences and, with the cooperation of the Web browser, to <u>store them on the user's own hard disk.</u> The cookies contain a range of URLs (addresses) for which they are valid. When the browser encounters those URLs again, it sends those specific cookies to the Web server . . . You can have your browser disable cookies or warn you before accepting a cookie." (emphasis added) TechEncyclopedia at http:/techweb.com, © 1981-2002, <u>The Computer Language Company</u>.

dependent on a consumer's advance registration, providing authorization to access the client computer's hard drive and/or acceptance of cookies. That is, for a consumer to be identified based on the above methods, a web server needs to have permission to access the consumer's hard drive to first write the identifying information on the consumer's hard drive. Second, the server needs to extract the identifying information from the consumer's hard drive, by means of special features (i.e., cookie handling features) of the browser, if and when the consumer visits a particular web site again.

According to the present invention, however, providing the unique identifying information to the web server is independent of permissions to read or write to the consumer's hard drive or the need for t he browser's cookie handling features. The unique identifying information is simply forwarded to the consumer by way of a website address included in an email. The unique identifier is then presented to the server computer as embedded in the website address in a request to access the corresponding website. In this manner, a user may be identified no matter which computer he is using, since email messages can be retrieved globally (e.g., from a Yahoo account). In contrast, for a consumer to be identified using the method taught by the cited references, he is required to use a computer that has (1) a cookie stored on its hard drive during a previous session and (2) a compatible browser that can handle a request submitted by the web server to retrieve the cookie. The invention as claimed circumvents all the above described problems by using the email system in conjunction with ordinary internet communication protocols to forward and retrieve identifying information, instead of relying on cookie handling features of an internet browser that can be restricted by a consumer.

For the above reasons, the invention as claimed is distinguishable over the cited prior art references. The entry of the amendments and the allowance of the claims as presented is respectfully requested.

DRAWINGS

Formal drawings were submitted on February 14, 2002. Another copy of the formal drawings was submitted via United States Mail on June 25, 2002. FIGS. 3 and 4 previously submitted on 2 separate pages are now submitted on a single page. Similarly, FIGS. 6A and 6B previously submitted on 2 separate pages are now submitted on a single page. FIGS. 8, 10 and 11 are also submitted on a single page. Redline copy of FIG. 7A adding the reference number 703 is provided to overcome the Draftspreson's objections under 37 CFR 1.84 or 1.152.

Please feel free to forward any questions and comments to the undersigned Attorney for Applicants or by calling 310-789-2100.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope address to: Commissioner for Patents, Washington, D.C. 20231, or via facsimile to (703 305 7687) on the date shown below.	Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope address to: Commissioner for Patents, Washington, D.C. 20231, or via facsimile to (703 305 7687) on the date shown below.

_____   August 13, 2002
Attorney for Applicant(s)   Date of Signature

Respectfully submitted,
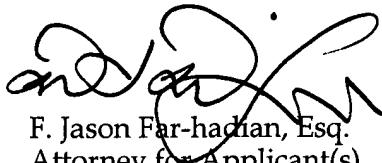
F. Jason Far-hadian, Esq.
Attorney for Applicant(s)
Reg. No. 42,523

ATTACHMENT A

CLAIMS

1.   (Amended) A method for electronically [profiling consumer interests] identifying a consumer without requiring consumer registration, the method comprising:

embedding a unique identifier within a web site address, the unique identifier uniquely identifying [a consumer] an email recipient;

including the web site address in an electronic mail message sent to [a] the email recipient [consumer's computer], wherein the web site address provides the email recipient with access to one or more web sites;

establishing a connection between [the consumer's] a client computer used by the email recipient to receive the email and a server computer providing access to the one or more web sites, in response to [a consumer] the email recipient selecting a reference to the web site address included in the electronic mail message;

[receiving a consumer request to access the one or more web sites, wherein the consumer request includes the web site address in the electronic mail message;]

providing the unique identifier to the server computer by way of sending the web site address to the server computer in a request submitted by the client computer to access said one or more web sites, independent from any consumer profile information previously stored on the client computer;

parsing the web site address in the [consumer] request, to [find] retrieve the unique identifier embedded in the web site address;

identifying the email recipient based on the retrieved unique identifier; and

tracking the [consumer's] email recipient's movement within the one or more web sites by associating the unique identifier with information that defines consumer activity within said one or more web sites.

2.   (Amended) The method of Claim 1, wherein the act of tracking the [consumer's] email recipient's movement within said one or more web sites comprises:

storing in [a] at least one log file the unique identifier in association with the information

15

that defines consumer activity; and

extracting the information that defines consumer activity based on [its] said association [with the unique identifier] to track consumer movement.

3. (Amended) The method of Claim 1, wherein the act of associating the unique identifier with information that defines consumer activity comprises:

identifying an IP address [used for establishing the connection between the consumer's] of the client computer [and the one or more web sites], wherein the IP address is automatically logged in correspondence with the information that defines consumer activity; and

associating the unique identifier with the IP address such that the information that defines consumer activity can be extracted based on the association between the IP address and the unique identifier.

4. (Amended) The method of Claim 1, wherein the act of associating the unique identifier with information that defines consumer activity comprises:

identifying connection or environment specific information related to the established connection between the [consumer's] client computer and the one or more web sites, wherein the connection specific information is automatically logged in correspondence with the information that defines consumer activity; and

associating the unique identifier with the connection specific information such that information that defines consumer activity can be extracted based on the association between the connection specific information and the unique identifier.

5. (Unchanged) The method according to Claim 1, wherein the unique identifier identifies a consumer's electronic mail address.

6. (Unchanged) The method according to Claim 1, wherein the one or more web sites include a plurality of links to other web pages that can be located at a plurality of web servers.

16

7.   (Unchanged) The method according to Claim 6, wherein the plurality of links to other web pages includes a link to a web page from where the consumer can purchase merchandise.

8.   (Unchanged) The method according to Claim 6, wherein the plurality of links to other web pages includes a link to a web page from where the consumer can electronically view images of merchandise.

9.   (Unchanged) The method according to Claim 6, wherein the plurality of links to other web pages includes a link to a web page from where the consumer may electronically contact a seller.

10.   (Unchanged) The method according to Claim 1, wherein information about the consumer's movement within the one or more web sites is stored in a log file.

11.   (Unchanged) The method according to Claim 10, wherein the log file includes the addresses of the one or more web sites.

12.   (Unchanged) The method of Claim 10, wherein the log file includes information regarding number of times the consumer accesses a particular web site.

13.   (Unchanged) The method of Claim 10, wherein the log file includes information regarding any purchase the consumer makes while visiting the one or more web site.

14.   (Unchanged) The method according to Claim 10, wherein the log file includes duration of the consumer's visit to a particular web site.

15.   (Unchanged) The method according to Claim 10, further comprising:

developing a consumer master database based upon the log file;

querying the master database; and

determining consumer preferences.

16.   (Unchanged) The method according to Claim 15, wherein the master database includes a plurality of segments including an email look up segment that includes a listing of a plurality of consumer electronic mail addresses with corresponding unique identifiers.

17.   (Unchanged) The method according to Claim 15, wherein the master database includes a consumer information segment that contains consumer related information.

18.   (Unchanged) The method according to Claim 15, wherein the master database includes a promotional material segment that includes information regarding promotional materials.

19.   (Unchanged) The method according to Claim 15, wherein the master database includes a purchasing segment that includes information regarding purchases made by the consumers.

20.   (Unchanged) The method according to Claim 15, wherein the master database includes a URL segment that includes a plurality of URLs with corresponding keywords and plurality of keycodes associated with the keywords.

21.   (Unchanged) The method according to Claim 15, wherein the master database includes a credit card segment that includes consumer credit card number, date and amount of purchase by consumer.

22.   (Amended) Computer executable process stored in a computer readable medium for [electronically profiling consumer interests] identifying a consumer without requiring consumer registration, the process comprising:

embedding a unique identifier within a web site address, the unique identifier uniquely identifying a consumer;

establishing a connection between the consumer's computer and a server computer providing access to one or more web sites, in response to a consumer selecting a reference to the web site address forwarded by way of electronic mail;

[receiving a consumer request to access the one or more web sites, wherein the consumer request includes the web site address;]

providing the unique identifier to the server computer by way of sending the website address to the server computer to access the one or more web sites, independent from any consumer profile information previously stored on the client computer;

parsing the web site address to [find] retrieve the unique identifier embedded in the web site address; and

tracking the consumer's movement within the one or more web sites by associating the unique identifier with information that defines consumer activity within said one or more web sites.

23.   (Unchanged) The computer executable process of Claim 22, wherein the act of tracking consumer movement within said one or more web sites comprises:

storing in a log file the unique identifier in association with the information that defines consumer activity within said one or more web sites;

searching the log file for the unique identifier; and

extracting the information that defines consumer activity based on its association with the unique identifier to track consumer movement.

24.   (Unchanged) The computer executable process of Claim 22, wherein the act of associating the unique identifier with information that defines consumer activity comprises:

19

identifying an IP address used for establishing the connection between the consumer's computer and the one or more web sites, wherein the IP address is automatically logged in correspondence with the information that defines consumer activity; and

associating the unique identifier with the IP address such that the information that defines consumer activity can be extracted based on the association between the IP address and the unique identifier.

25.   (Unchanged) The computer executable process of Claim 22, wherein the act of associating the unique identifier with information that define consumer activity comprises:

identifying connection specific information related to the established connection between the consumer's computer and the one or more web sites, wherein the connection specific information is automatically logged in correspondence with the information that defines consumer activity; and

associating the unique identifier with the connection specific information such that data that defines consumer activity can be extracted based on the association between the IP address and the unique identifier.

26.   (Unchanged) Computer executable process steps according to Claim 22, wherein the unique identifier identifies a consumer's electronic mail address.

27.   (Unchanged) Computer executable process steps according to Claim 22, wherein the one or more web sites include a plurality of links to other web pages that can be located at a plurality of web servers.

28.   (Unchanged) Computer executable process steps according to Claim 27, wherein the plurality of links to other web pages located at a plurality of web servers includes a link to a web page from where the consumer can purchase merchandise.

29.   (Unchanged) Computer executable process steps according to Claim 27, wherein

the plurality of links to other web pages includes a link to a web page from where the consumer can electronically view images of merchandise.

30.   (Unchanged) Computer executable process steps according to Claim 27, wherein the plurality of links to other web pages includes a link to a web page from where the consumer may electronically contact a seller.

31.   (Unchanged) Computer executable process steps according to Claim to 22, wherein information about the consumer's movement within the one or more web sites is stored in a log file.

32.   (Unchanged) Computer executable process steps according to Claim according to 31, wherein the log file includes the addresses of the one or more web sites.

33.   (Unchanged) Computer executable process steps according to Claim 31, wherein the log file includes information regarding number of times the consumer accesses a particular web site.

34.   (Unchanged) Computer executable process steps according to Claim 31, wherein the log file includes information regarding any purchase the consumer makes while visiting the one or more web site.

35.   (Unchanged) Computer executable process steps according to Claim 31, wherein the log file includes the duration of the consumer's visit to a particular web site.

36.   (Unchanged) Computer executable process steps according to Claim 31, further comprising:

  developing a consumer master database based upon the log file;

querying the master database; and

determining consumer preferences.

37. (Unchanged) Computer executable process steps according to Claim 36, wherein the master database includes a plurality of segments including an email look up segment that includes a listing of a plurality of consumer electronic mail addresses with corresponding unique identifiers.

38. (Unchanged) Computer executable process steps according to Claim 36, wherein the master database includes a consumer information segment that contains consumer related information.

39. (Unchanged) Computer executable process steps according to Claim 36, wherein the master database includes a promotional material segment that includes information regarding promotional materials.

40. (Unchanged) Computer executable process steps according to Claim 36, wherein the master database includes a purchasing segment that includes information regarding purchases made by the consumers.

41. (Unchanged) Computer executable process steps according to Claim 36, wherein the master database includes a URL segment for storing plurality of keywords associated with plurality of URLs, and the plurality of key codes associated with plurality of keywords.

42. (Unchanged) Computer executable process steps according to Claim 36, wherein the master database includes a credit card segment that includes consumer credit card number, date and amount of purchase by consumer.

43.   (Unchanged)   The method of Claim 1, wherein the unique identifier is a consumer's credit card information.

44.   (Unchanged) The computer executable process of Claim 22, wherein the unique identifier is a consumer's credit card information.

45.   (Amended) A method for electronically [profiling consumer interests] identifying a consumer without requiring consumer registration, the method comprising:

receiving a consumer request to access one or more web sites implemented on at least one [a first] server computer, wherein the consumer request is submitted by way of a client computer and the request includes a web site address, sent to [a] the consumer in an electronic mail message, with a unique identifier embedded in the web site address for uniquely identifying the particular consumer;

parsing the web site address to find the unique identifier; and

logging the unique identifier in one or more log files in association with information that defines consumer activity within said one or more web sites, independent from any consumer profile information previously stored on the client computer by any servers.

46.   (Unchanged) The method of Claim 45, further comprising:

extracting the information that defines consumer activity based on its association with the unique identifier to track consumer movement.

47.   (Unchanged) The method of Claim 45, wherein the consumer request is received through a connection established between the consumer's computer and the one or more web sites, the method further comprising:

identifying connection or environment specific information related to the established connection between the consumer's computer and the one or more web sites, wherein the connection specific information is automatically logged in correspondence with the information that defines consumer activity; and

23

associating the unique identifier with the connection or environment specific information such that information that defines consumer activity can be extracted based on the association between the connection or environment specific information and the unique identifier.

48.   (Unchanged)   The method of Claim 47, wherein the connection or environment specific information relates to IP address of the consumer's computer.

49.   (Unchanged)   The method of Claim 47, wherein the unique identifier relates to credit card information of the consumer.

50.   (Unchanged)   The method of Claim 47, wherein the unique identifier relates to electronic mail address of the consumer.

51.   (Unchanged)   The method of Claim 47, wherein the connection or environment specific information relates to an operating system executing on the consumer's computer.

52.   (Amended) A unique identifier embedded in a URL provided to a consumer by way electronic mail, such that when the consumer selects the URL a connection is established between a consumer computer having a first IP address and a web server, wherein the web server receives the URL via said established connection independent from any consumer profile information previously stored on the client computer, [and] wherein the web server parses the URL for the unique identifier, and wherein the IP address is recorded in a log file in association with the unique identifier.

53.   (Cancel)

54.   (Cancel)

55. (Cancel)

56. (Cancel)